

**CITY OF MONTEREY PARK
PLANNING COMMISSION AGENDA**

REGULAR MEETING

**Monterey Park City Hall – Council Chambers
320 West Newmark Avenue
Monterey Park, CA 91754**

**TUESDAY
JULY 14, 2015
7:00 PM**

MISSION STATEMENT

**The mission of the City of Monterey Park is to provide excellent services
to enhance the quality of life for our entire community.**

Staff reports, writings, or other materials related to an item on this Agenda, which are distributed to the Planning Commission less than 72 hours before this scheduled meeting are available for public inspection in the City Clerk's Office located at 320 West Newmark Avenue, Monterey Park, CA 91754, during normal business hours. Such staff reports, writings, or other materials are also on the City's website subject to staff's ability to post the materials before the meeting. The City's website is located at <http://ci.monterey-park.ca.us/home/index.asp>. Copies of staff reports and/or written documents pertaining to any item on the Agenda are on file in the Community and Economic Development Department – Planning Division and are available for public inspection during regular business hours.

PUBLIC COMMENTS ON AGENDA ITEMS

For members of the public wishing to address the Planning Commission regarding any item on this Agenda, including Oral Communications, please fill out a speaker card and return it to Planning staff before the announcement of the Agenda Item.

Speakers are provided five (5) minutes per individual on each published agenda item. Individual speakers may consolidate time with another speaker's time; the total consolidated time cannot exceed two (2) minutes per speaker giving up time. However in the interest of ensuring that all members of the Public have an equal opportunity to participate, a single speaker cannot speak for more than ten (10) minutes on an individual Agenda item. If there are a large number of speakers on a particular agenda item, the Chairperson, as confirmed by the Planning Commission, may reduce the amount of time allotted to each speaker or limit the total amount time allowed for speakers to address the agenda item. At the conclusion of that period of time, the speaker will be asked to please conclude their remarks so that the next speaker may begin their comments.

In accordance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call City Hall, (626) 307-1359. Please notify the Community and Economic Development Department twenty-four hours prior to the meeting so that reasonable arrangements can be made to ensure availability of audio equipment for the hearing impaired. Council Chambers are wheelchair accessible.

CALL TO ORDER – Chairperson Rodrigo Garcia

ROLL CALL – Commissioners Choi, Sullivan, Lee, and Leung

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

ORAL AND WRITTEN COMMUNICATIONS

MINUTES – March 24, 2015, April 14, 2015, April 28, 2015, May 12, 2015

PUBLIC HEARINGS

[1.] UNFINISHED BUSINESS

[2.] NEW BUSINESS

2-A. CONDITIONAL USE PERMIT – 3600 RAMONA BOULEVARD (CU-15-03)

The applicant, OMG, Inc., is requesting a conditional use permit to allow on-sale beer and wine in conjunction with a bona fide public eating place at 3600 Ramona Boulevard.

The Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15301 as a Class 1 categorical exemption (Existing Facilities).

It is recommended that the Planning Commission consider taking the following actions:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving Conditional Use Permit (CU-15-03) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

2-B. TENTATIVE MAP NO. 072976 – 221-223 SOUTH NEW AVENUE (TM-15-02)

The applicant, 221 New Ave LLC, seeks a Tentative Map to subdivide air rights to develop a 5-unit condominium project at 221-223 South New Avenue.

The Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15332 as a Class 32 categorical exemption (Infill Development).

It is recommended that the Planning Commission consider taking the following actions:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving Tentative Map No. 072976 (TM-15-02) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

[3.] COMMISSION COMMUNICATIONS

[4.] FUTURE AGENDA ITEMS AS DIRECTED BY THE COMMISSION


[5.] STAFF UPDATES

[6.] CLOSED SESSION

ADJOURN

To the next regularly scheduled meeting on August 11, 2015

APPROVED BY:

| | |
|-----------------------|---|
| MICHAEL A. HUNTLEY |  |
|-----------------------|---|



Planning Commission Staff Report

DATE: July 14, 2015

AGENDA ITEM NO: 2-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to consider Conditional Use Permit (CU-15-03) to allow on-sale alcoholic beverage in conjunction with a bona fide public eating place – 3600 Ramona Boulevard.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving Conditional Use Permit (CU-15-03) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The applicant, OMG, Inc., is requesting a conditional use permit to allow on-sale beer and wine in conjunction with a bona fide public eating place at 3600 Ramona Boulevard ("Project Site").

In September 2011, the Planning Commission approved Conditional Use Permit No. CU-11-04 for a Type 40 on-sale beer license for the Project Site. In 2013, a new operator took over the management of the golf course. In September 2013, the golf course operator obtained Design Review Board approval pursuant to Monterey Park Municipal Code ("MPMC") § 2.78.050 to construct a new two-level automatic tee deck in place of an existing one-story tee-deck and add onto and remodel an existing pro-shop and snack shop. As part of the facility upgrades, the golf course operator desired to provide more food options on the menu beyond quick-serve type foods and prepackaged goods. As part of the remodel, the food preparation area/kitchen was upgraded. The current menu includes a larger variety of food choices, including sandwiches, rice and noodle dishes. Therefore, it seems reasonable that the current request is for a Type 41 license to add on-sale wine service to the existing on-sale beer service as part of the facility/service upgrades.

Property Description

The subject property is located at the southeast corner of Corporate Center Drive and Ramona Boulevard. The property is zoned R-1 (Single-Family Residential) and designated O-S (Open Space) in the General Plan. Public recreational uses (such as the golf course) are a permitted use in the Open Space land use category. North of the subject site is the Interstate 10 Freeway, east and south are residential properties and west are commercial office buildings.

The property is City-owned and is currently developed with a 9-hole golf course, two-story tee deck, pro-shop, retail eating place (M Park Café), two restaurants (Luminarias and Monterey Hill), a two-level parking structure, and surface parking. The property is approximately 47.47 acre in area and is accessible from Corporate Center Drive and Ramona Boulevard.

Project Description

The existing retail eating place is 515 square feet with an attached 706 square feet cover deck area and detached covered deck area. According to the floor plan, there are 11 unfixed tables located in the attached covered deck area, including six 4-seat tables and five 2-seat tables. The detached covered deck area has 8 unfixed tables and bench seating spaces, including four 4-seat tables and four 2-seat tables. The remaining area includes the kitchen, service counter, and storage room. The business operating hours are Monday through Sunday, from 8:00 a.m. to 9:00 p.m. The alcohol services hours will also be from 8:00 a.m. to 9:00 p.m. The on-sale alcoholic beverage services will complement the eating place's meals. No separate bar area is shown on the floor plan of the restaurant, nor is any entertainment proposed for the business.

According to the regulations promulgated by the California Department of Alcoholic Beverage Control (ABC), a total of 3 on-sale licenses are allowed before the census tract reaches the threshold of being defined as having undue concentration in the subject Census Tract No. 4817.14. Based on a population of 2,819 in the census tract, ABC allows 3 on-sale licenses in this census tract; currently there are 2 licensed establishments. New licenses that exceed the threshold are permissible with the adoption of a finding of Public Convenience and Necessity (PCN). Issuing a PCN is contingent upon the Planning Commission granting a conditional use permit ("CUP"). As an eating establishment, ABC assumes this responsibility and no action is required of the City in this regard other than as specified in the MPMC. Based on discussions with ABC, if the CUP is approved by the City, and because this is a bona fide eating establishment, ABC will issue the PCN as a routine matter.

According to MPMC § 21.10.230(G), there are no distance requirements for on-sale alcoholic beverages when sold in conjunction with a bona fide retail eating place. However, on-site sale uses must comply with the list of requirements specified in the MPMC § 21.10.230(C). Some of the requirements include limiting the exterior lighting of the parking area to intensities between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas and special security measures, such as security guards and alarm systems. Staff conducted a site inspection and found that the subject property has adequate exterior

lighting attached to the front of the building walls and parking lot area. The existing exterior lights provide adequate lighting without disturbing the adjacent properties.

The Police Department included condition numbers 23 through 31 in the Resolution to address security and alarm requirements. The Police Department will monitor the subject property relative to safety items such as hours of operation, whether complaints are received, and alcohol must be served along with food only.

This application is for a Type 41 on-sale license for the serving of beer and wine in conjunction with a bona fide public eating place. The applicant has clearly stated that it does not wish to provide entertainment uses. However, if a request were to be submitted at any future date, the applicant would have to request a modification to the CUP.

OTHER ITEMS:

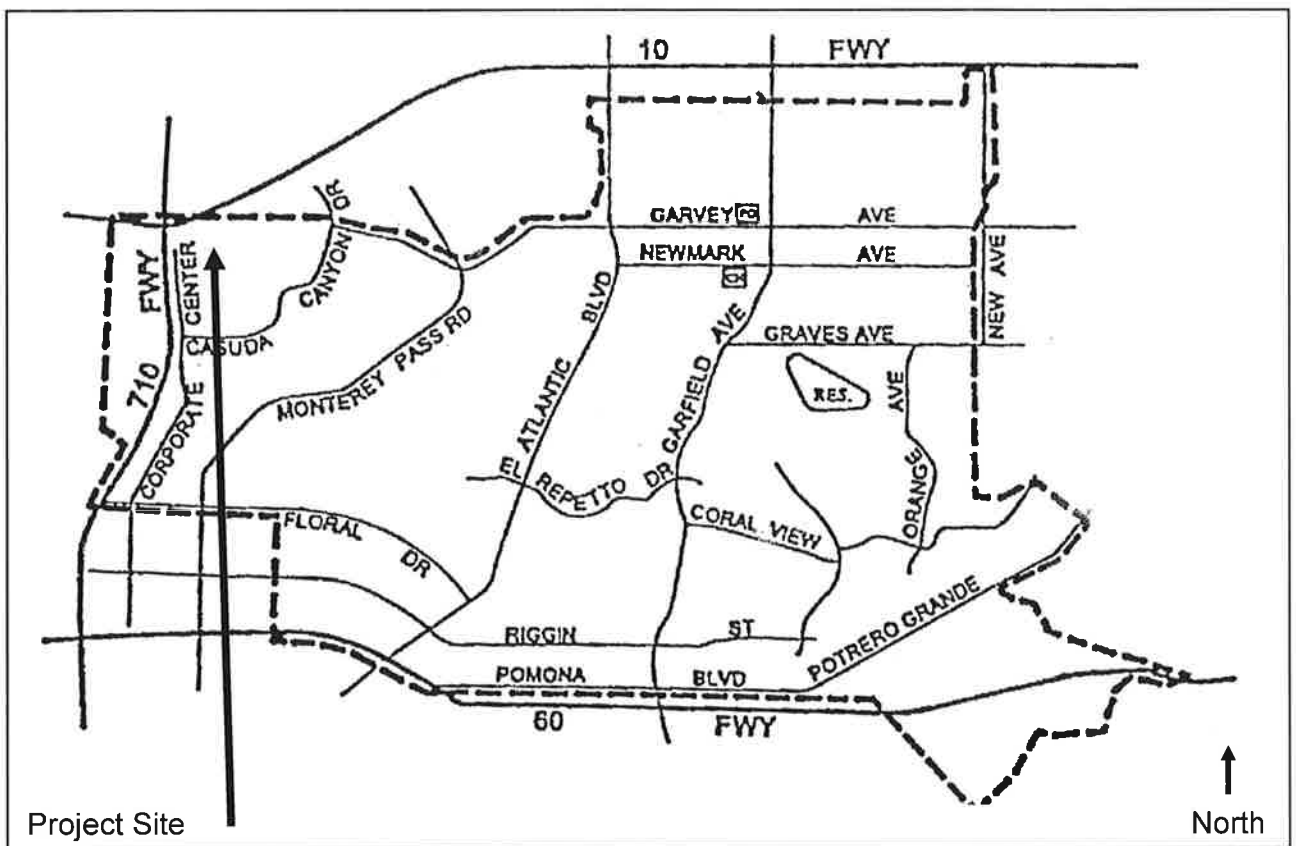
Legal Notification

The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **June 3, 2015**, with affidavits of posting on file. The legal notice of this hearing was mailed to **114** property owners within a 300 feet radius and current tenants of the property concerned on **June 3, 2015**.

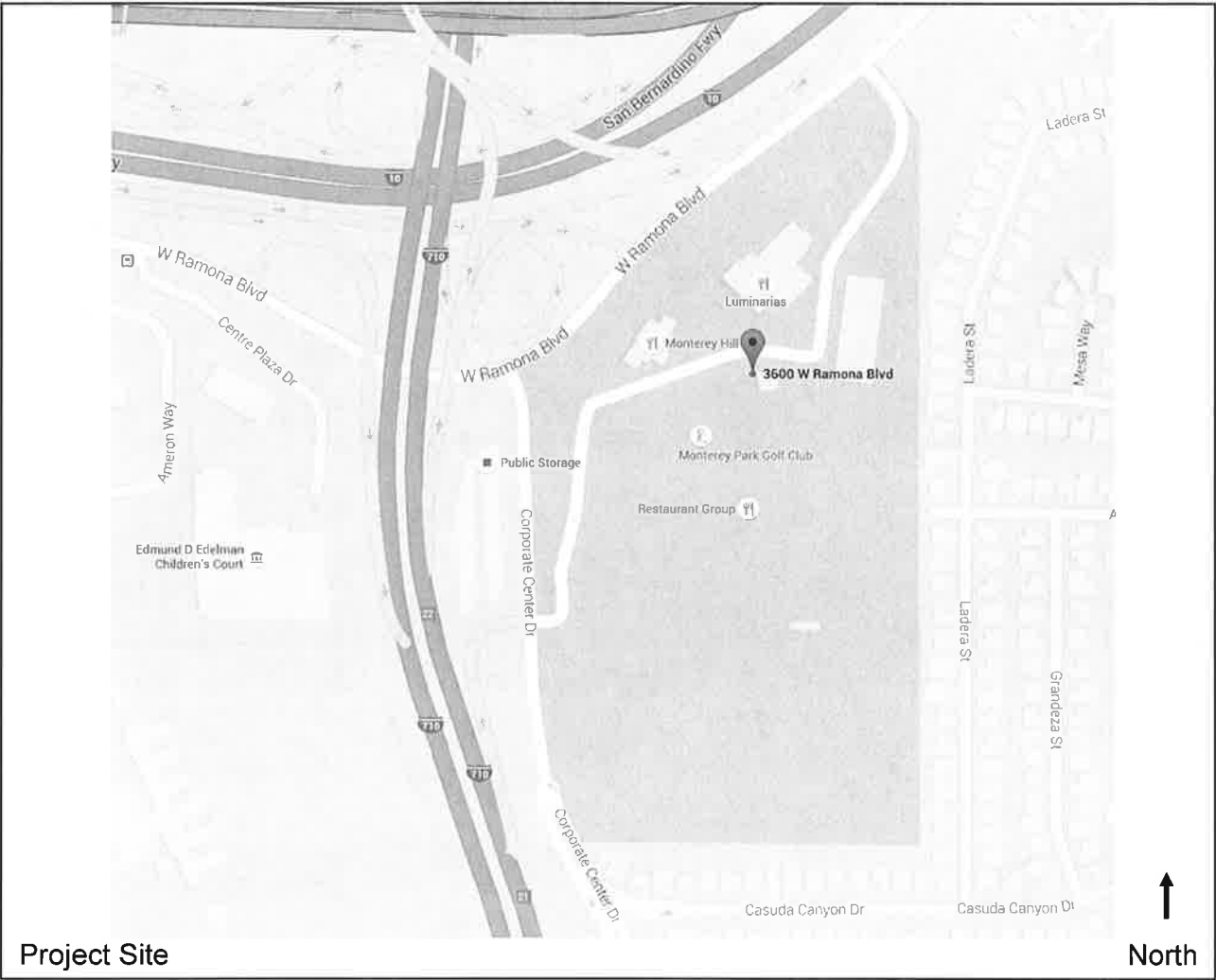
Environmental Assessment

The Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15301 as a Class 1 categorical exemption (Existing Facilities).

Vicinity Map



Street Map



Aerial Map




ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

There may be an increase in sales tax revenue and business license tax revenue. Calculations of the exact amount would be speculative.

Respectfully submitted,



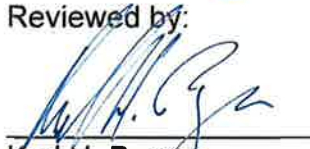
Michael A. Huntley
Community and Economic
Development Director

Prepared by:



Samantha Tewasart
Senior Planner

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

- Exhibit A: Draft Resolution
- Exhibit B: Site and Floor Plans

EXHIBIT A

Draft Resolution

EXHIBIT B

Site and floor plans

RESOLUTION NO.

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-15-03) TO PERMIT ON-SALE ALCOHOLIC BEVERAGES (BEER AND WINE) IN CONJUNCTION WITH A BONA FIDE PUBLIC EATING PLACE AT 3600 RAMONA AVENUE.

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. On May 7, 2015, OMG Inc. (the "Applicant") submitted an application, pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.10.230 and 21.30.020, requesting Conditional Use Permit No. CUP-15-03 to allow on-sale alcoholic beverages (beer and wine) in conjunction with a bona fide public eating place (M Park Cafe) at 3600 Ramona Boulevard (the "Project");
- B. The Project was reviewed by the City of Monterey Park Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the Project before the Planning Commission for July 14, 2015. Notice of the public hearing was posted and mailed as required by the MPMC;
- E. On July 14, 2015, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed Project, including, without limitation, information provided to the Planning Commission by City staff and public testimony, and representatives of OMG Inc.; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its July 14, 2015 hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

SECTION 2: *Factual Findings and Conclusions.* The Planning Commission finds that the following facts exist and makes the following conclusions:

- A. The Applicant seeks to serve beer and wine in conjunction with an existing retail eating place;
- B. 3600 Ramona Boulevard is zoned R-1 (Single-Family Residential) and designated Open Space in the General Plan;
- C. The subject property is located at the southeast corner of Corporate Center Drive and Ramona Boulevard. The property is zoned R-1 (Single-Family Residential) and

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designated O-S (Open Space) in the General Plan. Public recreational uses such as a golf course are an allowed use in the Open Space land use category. North of the subject site is the Interstate 10 Freeway, east and south are residential properties and west are commercial office buildings; and

- D. The property is City-owned and is currently developed with a 9-hole golf course, two-story tee deck, pro-shop, retail eating place (M Park Café), two restaurants (Luminarias and Monterey Hill), a two-level parking structure, and surface parking. The property is approximately 47.47 acre in area and is accessible from Corporate Center Drive and Ramona Boulevard.

SECTION 3: Environmental Assessment. Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15301 (Existing Facilities).

SECTION 4: Conditional Use Permit Findings. Pursuant to MPMC §§ 21.10.030 (B) and 21.32.020, the Planning Commission finds as follows:

1. That the proposed use complies with all requirements as set forth for the issuance of a conditional use permit.

The proposed use complies with all requirements for the issuance of the conditional use permit. First, the site is adequate in size, shape and topography for the proposed use because the proposed use is the addition of beer and wine sales to an existing restaurant. No changes are proposed to the site. Second, the site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use. The proposed use is not expected to significantly increase traffic. Third, the proposed use is consistent with the General Plan and conforms to objectives of the General Plan and the MPMC zoning regulations. The subject property is designated Open Space in the General Plan. All public parks and City-owned recreational facilities are included in the Open Space category. Recreational uses such as a golf course are allowed in the Open Space land use category. The proposed use is the addition of beer and wine sales to accompany meals at an existing eating place. Fourth, the proposed use, as conditioned, will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood as required security measures will minimize the potential for any negative impacts. Lastly, the proposed use will not have an adverse effect on the public health, safety, and general welfare because security measures and the limited size of the use will limit any potential adverse effects to neighboring properties.

2. That the proposed use will not present problems, including, but not limited to, loitering, obstruction of pedestrian traffic, vehicular traffic, parking, crime interference with children on their way to school, interference with shoppers using streets, defacement and damage to structures.

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The proposed use is the addition of on-sale beer and wine in conjunction with an existing eating place. On-sale alcoholic service is an allowed use with a conditional use permit.

3. That the proposed use will not lessen the suitability of any nearby commercially-zoned properties for commercial use.

The subject property is zoned R-1 (Single-Family Residential) and designated O-S (Open Space) in the General Plan. Public recreational uses such as a golf course are an allowed use in the Open Space land use category. Adjacent properties include the Interstate 10 Freeway to the north, residential properties to east and south and commercial office buildings to the west.

4. The use does not adversely affect the welfare of area residents or result in undue concentration in the neighborhood of establishments dispensing alcoholic beverages including beer and wine.

The applicant's request to add beer and wine sales (Type 41) for on-site consumption in conjunction with the existing eating place will enhance the business and will not adversely affect the welfare of area residents since the addition of beer and wine sales, as mentioned, will be incidental to the primary use. According to the regulations promulgated by the California Department of Alcoholic Beverage Control (ABC), a total of 2 on-sale licenses are allowed before the census tract reaches the threshold of being defined as having undue concentration in the subject Census Tract No. 4817.14. Based on a population of 2,819 in the census tract, ABC allows 2 on-sale licenses in the tract and currently licenses 2 establishments. New licenses that exceed the threshold are permissible with the adoption of a finding of Public Convenience and Necessity (PCN) which is determined by the ABC.

According to MPMC § 21.10.230(G), there are no distance requirements for on-sale alcoholic beverages when sold in conjunction with a bona fide retail eating establishment. However, on-sale uses must comply with the list of requirements specified in the MPMC § 21.10.230(C). Some of the requirements include limiting the exterior lighting of the parking area to intensities between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas and special security measures, such as security guards and alarm systems. The existing exterior lights provide adequate lighting without disturbing the adjacent properties. The Police Department has included conditions numbers 23 through 31 in the Resolution to address security and alarm requirements.

SECTION 5: *Approval.* Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Conditional Use Permit (CUP-15-03).

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SECTION 6: *Reliance on Record.* Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 7: *Limitations.* The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 8: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 9: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 10: A copy of this Resolution will be mailed to OMG Inc. and to any other person requesting a copy.

SECTION 11: This Resolution may be appealed within nineteen (19) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 12: Except as provided in Section 9, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 14th day of July 2015.

Chairperson Rodrigo Garcia

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 14th day of July 2015, by the following vote of the Planning Commission:

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AYES:
NOES:
ABSTAIN:
ABSENT:

Michael A. Huntley, Secretary

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:



Karl H. Berger,
Assistant City Attorney

PLANNING COMMISSION RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

3600 RAMONA BOULEVARD

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), OMG Inc., agrees that it will comply with the following conditions of approval for Conditional Use Permit (CUP-15-03) ("Project Conditions").

PLANNING:

1. OMG Inc. (the "Applicant"), agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of CUP-15-03 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of CUP-15-03, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and on file. Before the City issues a building permit, the Applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Planning and Building and Safety Divisions. Any subsequent modification must be referred to the Director of Community and Economic Development for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. The conditional use permit expires twelve months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A total of a year extension may be granted by the Planning Commission upon finding of good cause. An application requesting an extension must be filed with the Community and Economic Development Department.
4. The business owner is responsible for maintaining the area adjacent to the business location and the site in general, including any parkways and alleys.
5. The property must remain well maintained and free of graffiti. Failure of the applicant/property owner to remove graffiti within 24 hours written notice by the

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City will cause the City to abate the graffiti at the cost of the applicant/property owner.

6. A copy of these Conditions of Approval must be kept on the premises of the establishment and presented to any authorized City official upon request.
7. The exterior lighting of the parking area must be kept at an intensity of between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas.
8. The service of alcohol is only allowed with the consumption of food.
9. No entertainment uses including, without limitation, karaoke, dancing, or live music, are permitted at this location unless a modification to the Conditional Use Permit is approved for such use.
10. Alcoholic beverages must be served in non-disposable containers and distinguishable from containers used for non-alcoholic beverages.
11. The sale of alcoholic beverages for consumption outside or off the premises must be prohibited. Signs must be posted at all entrances and exits of the premises indicating that the sale of alcoholic beverages for consumption outside or off the premises is prohibited.
12. The restaurant business hours of operation will be seven days a week from 8:00 a.m. to 9:00 p.m.
13. Hours of operations for alcohol service at the restaurant must be limited to the hours of 8:00 a.m. to 9:00 p.m. daily.
14. The applicant must obtain and maintain all licenses required by the Alcohol Beverage Control Act (Business & Professions Code §§ 23300, *et seq.*). The applicant must obtain and maintain a Type 41 license.
15. The applicant must post a sign in a clear and conspicuous location listing a phone number at which a responsible party may be contacted during all open hours of the establishment to address any concerns of the community regarding noise at the restaurant. Said contact's name and phone number must also be available through hotel staff at all times.
16. The applicant must, at all times, display a *Designated Driver* sign of at least ten inches by ten inches (10" X 10") at the bar at eye level. The sign must be worded in a way that reminds patrons who are consuming alcohol to designate a *non-drinking driver*.
17. There must be no exterior advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of

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alcoholic beverages. Interior displays of alcoholic beverages which are clearly visible to the exterior constitute a violation of this condition.

18. All employees serving alcoholic beverages to patrons must enroll in and complete a certified training program approved by the ABC for the responsible sales of alcohol. The training must be offered to new employees on not less than a quarterly basis.
19. Any and all employees hired to sell alcoholic beverages must provide evidence that they have either:
 - a. Completed training from the ABC, Long Beach/Lakewood District Office administered *Leadership and Education in Alcohol and Drugs* (LEAD) Program in the form of an ABC-issued certificate; or
 - b. Completed an accepted equivalent by the ABC, Long Beach/Lakewood District Office to ensure proper distribution of beer, wine and distilled spirits to adults of legal age. If any prospective employee designated to sell alcoholic beverages does not currently have such training, then the applicant confirm with the Planning and Building Safety Department that a date certain has been scheduled within the local ABC Office to complete the LEAD course.
 - c. Within thirty (30) days of taking said course, the employees, or responsible employer must deliver each required certificate showing completion to the Police Department.
20. If complaints are received regarding excessive noise, lighting, building access, or other disturbances associated with alcohol service at the hotel, the Director of Community and Economic Development, or designee, may take action to review this conditional use permit, including without limitation, adding conditions or revoking the permit.

LICENSING:

21. Additional business license tax must be paid upon approval of license from ABC pursuant to MPMC § 5.12.230.

POLICE:

22. The sale of alcoholic beverages for consumption off the premise is prohibited.
23. Food service is required at all hours that the establishment is open for business.
24. The restaurant must have security video cameras operating during all hours that the business is open. All cameras must record onto a videotape or similar recording device. The recordings of the security video cameras must be

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maintained for a minimum period of 30 days, and the recordings must be made immediately available for any law enforcement officer who is making the request as a result of official law enforcement business. The video cameras must be located to cover the main areas that are accessible to the public, all areas of the cash register/cashier and all areas where cash is stored. If the Chief of Police determines that there is a necessity to have additional security cameras installed, the manager/owner of the business must comply with the request within 7 days. The Chief of Police can also require the position of the video cameras to be changed if it is determined that the position of the camera does not meet security needs. The manager/owner of the business must comply with the request within 7 days. The picture quality of the video cameras and recording devices installed on the complex must meet the approval of the Chief of Police.

25. All conditions of the Alcoholic Beverage Control Board must be adhered to at all times.
26. The quarterly gross sales of alcoholic beverages cannot exceed the gross sales of food during the same period.
27. The manager/owner is responsible for maintaining the property free of litter and graffiti.
28. Three or more violations of applicable law including, without limitation, these conditions within a one year period (as calculated starting on July 14, 2015 and every anniversary date thereafter) may result in the City commencing revocation of this Conditional Use Permit.
29. The restaurant must be equipped with an alarm system that covers break-ins and robberies. The alarm must be monitored by an alarm monitoring company who will notify the Monterey Park Police Department of any break-ins or robberies. Employees must have access to a hidden button that will trigger a silent alarm, notifying the alarm monitoring company that a robbery is taking place. The restaurant manager/owner must obtain an alarm permit from the Monterey Park Police Department. The permit may be obtained by calling the Monterey Park Police Community Relations Bureau at (626) 307-1215.
30. If the establishment is open for business past midnight (12:01 a.m.), the restaurant will employ one licensed security guard to remain on the premises during the hours of 6:00 p.m. to closing. The security guard will cooperate with the Police Department in any official police investigations or other related matters. If at any time, the Chief of Police deems that the security guard/company is inadequate, the Chief may require the owner to retain additional security guards or a new security company. If such a situation arises, the Chief of Police must notify the restaurant owner/manager in writing and the manager/owner will have 7 business days to make the necessary changes.

**PLANNING COMMISSION
RESOLUTION NO.**

By signing this document, OMG Inc., certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

OMG Inc., Applicant



Planning Commission Staff Report

DATE: July 14, 2015

AGENDA ITEM NO: 2-B

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to consider Tentative Map No. 072976 (TM-15-02) to allow the subdivision of air-rights to establish and maintain a 5-unit residential development – 221-223 South New Avenue.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving Tentative Map No. 072976 (TM-15-02) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The applicant, 221 New Ave LLC, seeks a Tentative Map to subdivide air rights to develop a 5-unit condominium project at 221-223 South New Avenue.

The R-3 (High Density Residential) zone allows for a density up to 5 units; the applicant is proposing to construct 5 units. The proposed project meets the zoning regulations and development standards. The High Density Residential land use allows for a broad range of dwelling unit types which may be attached or detached. The residential units consist typically of apartments, condominiums, and townhomes built at a maximum density of 25 units per acre.

South New Avenue between East Garvey Avenue and East Emerson Avenue is currently developed with a mixture of different building types including a motel, residential care facility, church, attached apartment buildings, and single-family dwelling units. Multi-unit residential developments are not uncommon within the vicinity of the subject property. The existing developments range in year of construction from the 1920s to the 1990s. The subject property is currently developed with older detached residential dwelling units; the proposed project will help improve the quality of the area.

Property Description

The property is located on the west side of South New Avenue between East Garvey Avenue and East Newmark Avenue. The property is zoned R-3 (High Density Residential) and designated High Density Residential in the General Plan. To the north, south, and west of the property are R-3 zoned lots. East are South New Avenue and the City of Rosemead. The subject site has a frontage of 79.8 feet and a depth of 200 feet, with a total lot area of 15,900 square feet in size.

Project Description

The property will remain as one lot. Under California law, a tentative map is required to subdivide air space for separate ownership of each of the units.

All five units will have 4 bedrooms and will range in size between 2,104 square feet and 2,235 square feet. The proposed building on the site will meet the required front and rear setback of 25 feet, with 5-foot side setback for the first floor, and 10-foot side setback for the second floor. Each unit will be two stories, with a maximum height of 27 feet. A clearance of at least 12 feet will be provided between the buildings.

Pursuant to Monterey Park Municipal Code (MPMC) § 21.22.050, condominium units with four or more bedrooms require 2 enclosed garage spaces, plus 1 guest parking per dwelling unit. Overall, 10 enclosed garage spaces and 5 guest parking spaces are required and will be provided in the subterranean parking level. According to the subterranean parking level, each unit will be provided with a two-car garage and one guest parking space. The driveway has a width of 18 feet, and each parking space has a back-up space of 26 feet. Each enclosed parking space is required to have a minimum width of 9 feet, and a minimum depth of 20 feet.

Per the MPMC, the project is required to provide a minimum of 2,000 square feet of common open space, and a minimum of 250 square feet of private open space per unit. According to the site plan, the project will include 2,143 square feet of common open space throughout the property, and each unit will be provided with private open spaces with at least 250 square feet. The common open space area will be regulated by CC&Rs and maintained by a Homeowner's Association.

The project is in compliance with R-3 development standards. Subsequent to Planning Commission review, the project design must be reviewed and approved by the Design Review Board.

OTHER ITEMS:

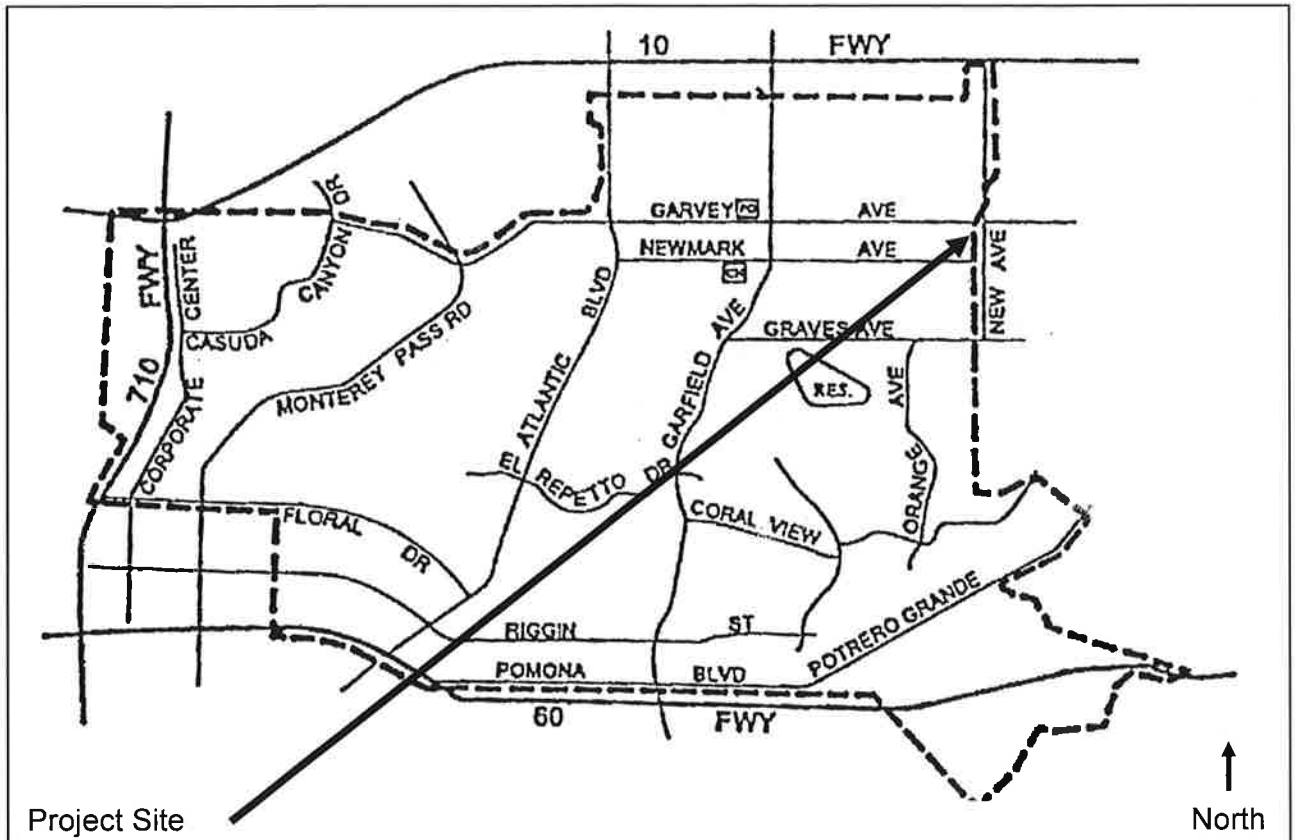
Legal Notification

The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **June 4, 2015** and published in the Wave on **June 11, 2015**, with affidavits of posting on file. The legal notice of this hearing was mailed to **65** property owners within a 300 foot radius and current tenants of the property concerned on **June 4, 2015**.

Environmental Assessment

The Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15332 as a Class 32 categorical exemption (Infill Development).

Vicinity Map



Street Map



Aerial Map



ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

There may be an increase in sales tax revenue and business license tax revenue. Calculations of the exact amount would be speculative.

Respectfully submitted,




Michael A. Huntley
Community and Economic
Development Director

Prepared by:



Samantha Tawasart
Senior Planner

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

- Exhibit A: Draft Resolution
- Exhibit B: Site, floor, elevation plans and Tentative Map

EXHIBIT A

Draft Resolution

EXHIBIT B

Site, floor, elevation plans and Tentative Map

RESOLUTION NO.

A RESOLUTION APPROVING TENTATIVE MAP NO. 072976 (TM-15-02) TO SUBDIVIDE AIR RIGHTS FOR A FIVE-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT AT 221-223 SOUTH NEW AVENUE.

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. On May 7, 2015, 221 New Ave, LLC, submitted an application pursuant to Title 20 of the Monterey Park Municipal Code ("MPMC") requesting approval of Tentative Map No. 072976 (TM-15-02) to subdivide air rights to establish and maintain a 5-unit condominium project at 221-223 South New Avenue ("Project");
- B. The proposed Project was reviewed by the Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the proposed Project, before the Planning Commission for July 14, 2015. Notice of the public hearing on the proposed Project was posted and mailed as required by the MPMC;
- E. On July 14, 2015, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed Project including, without limitation, information provided to the Planning Commission by City staff and public testimony, and representatives of the Applicant; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its July 14, 2015 hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

SECTION 2: *Factual Findings and Conclusions.* The Planning Commission finds that the following facts exist and makes the following conclusions:

- A. The Applicant seeks to construct five new residential dwelling units and subdivide the air rights for condominium purposes;
- B. 221-223 South New Avenue is zoned R-3 (High Density Residential) and

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designated High Density Residential in the General Plan;

- C. The Project property is located on the west side of South New Avenue. To the north, south, and west of the subject property are residential uses. East are South New Avenue and the City of Rosemead; and
- D. The Project property is 15,960 square feet (0.37 acres) in area and is currently developed with four detached residential dwelling units.

SECTION 3: Environmental Assessment. Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15332 as a Class 32 categorical exemption (Infill Development).

SECTION 4: Tentative Map Findings. The Commission finds as follows pursuant to Government Code § 66474 and MPMC Title 20:

- A. The proposed tentative map is consistent with applicable general and specific plans as required by Government Code § 66473.5. The tentative map for this project would allow five condominium units to be constructed on the site. This is less than the maximum density of 25 dwelling units per acre for this site. Consequently, the project complies with the General Plan. The property is located on North Lincoln Avenue, a local street with a 50-foot right-of-way, which is adequate in size and capacity to accommodate the anticipated traffic that will be generated by the proposed development. There is no specific plan adopted for this area.
- B. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans. The design of the proposed subdivision is consistent with the General Plan in that the project is a 5-unit condominium project, which is compatible with the high density housing either attached or detached allowed in the high density residential category. There is no specific plan adopted for this area.
- C. The site is physically suitable for the type of development and the proposed density of the development. The size of the property is 15,960 square feet (0.37 acres) and adequate in size to accommodate a 5-unit condominium project because in the R-3 Zone, one dwelling unit is allowed for every 3,000 square feet of lot area on lots of 7,000 square feet or more and having a front lot line of at least fifty feet.
- D. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The subject property is bordered by

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residentially developed lots to the north, south, east, and west. There are no rare plants, wild animals nor cultural, historical or scenic aspects within the surrounding area.

- E. The design of the subdivision or the type of improvements is not likely to cause serious public health problems. The proposed subdivision will not cause any public health problems in that the subject development will be constructed according to all City, State, and Federal regulations and specifications.
- F. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within proposed subdivision. There are no public easements for access within the proposed development.

SECTION 5: Approval. Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Tentative Map No. 072976 (TM-15-02).

SECTION 6: Reliance on Record. Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 7: Limitations. The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 8: Summaries of Information. All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 9: This Resolution will remain effective until superseded by a subsequent resolution.

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SECTION 10: A copy of this Resolution will be mailed to the Applicant and to any other person requesting a copy.

SECTION 11: This Resolution may be appealed within nineteen (19) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 12: Except as provided in Section 11, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 14th day of July 2015.

Chairperson Rodrigo Garcia

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 14th day of July 2015, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Michael A. Huntley, Secretary

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:



Karl H. Berger,
Assistant City Attorney

PLANNING COMMISSION RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

221-223 SOUTH NEW AVENUE

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), 221 New Ave, LLC agrees that it will comply with the following conditions for approval of Tentative Map No. 072976 (TM-15-02) ("Project Conditions").

PLANNING:

1. 221 New Ave, LLC (the "Applicant"), agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of TM-15-02 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of TM-15-02, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and on file. Before the City issues a building permit, the Applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Planning and Building and Safety Division. Any subsequent modification must be referred to the Director of Community and Economic Development for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. The tentative map expires twenty-four months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A total of three, one year, extensions may be granted by the Planning Commission upon finding of good cause. An application requesting an extension must be filed with the Community and Economic Development Department.
4. All conditions of approval must be listed on the plans submitted for plan check and on the plans for which a building permit is issued.
5. Before building permits are issued, the applicant must obtain all the necessary approvals, licenses and permits and pay all the appropriate fees as required by the City.

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6. The real property subject to TM-15-02 must remain well-maintained and free of graffiti.
7. Building permits are required for any interior tenant improvements.
8. Landscaping/irrigation must be maintained in good condition at all times.
9. A final map must be approved and recorded before the City issues a certificate of occupancy.
10. All enclosed garage spaces must be used for off-street parking only. There cannot be any personal storage or conversion of this space that would prevent the parking of vehicles in the enclosed garage. This condition must be included in the conditions, covenants and restrictions ("CC&Rs") recorded for this property.

BUILDING:

11. The second sheet of the building plans must list all City of Monterey Park conditions of approval.
12. A building permit does not permit excavations to encroach into adjacent properties. Requirements for protection of adjacent properties are defined in the Civil Code § 832.
13. The site plan must indicate the proposed path of building sewer, size of sewer line, location of cleanouts, and the invert elevation of the lateral at the property line.
14. A soils and geology report is required as part of plan check submittal.
15. Before the City issues a building permit, the applicant must obtain a permit from CAL-OSHA to construct the project.
16. The applicant must submit a compaction report for demolition of previous buildings to the Monterey Park Public Works Department for approval before the City allows the applicant to excavate new foundations.
17. At least 10 percent, but not less than one of the multi-story dwellings, must comply with §1102A.3.1 of the 2013 California Building Code (CBC) for housing accessibility requirements. Provide accessible parking per §1102A.3.1 of the 2013 CBC.

ENGINEERING:

18. Under the Los Angeles County Municipal "National Pollutant Discharge Elimination System (NPDES) Permit," which the City of Monterey Park is a permittee; this project involves the distribution of soils by grading, clearing and/or

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excavation. The applicant/property owner is required to obtain a "General Construction Activity Storm Water" Permit, and the City of Monterey Park will condition a grading permit on evidence of compliance with this permit and its requirements. Compliance information is available in the office of the City Engineer. Upon approval of the NPDES document by the City, the applicant/property owner must submit an electronic copy of the approved NPDES file, including site drawings, before the City issues a building or grading permit.

19. The applicant must record the Final Map after the City approves the final map in accordance with the MPMC and accepts any applicable bonds or agreements. A refundable \$191 cash deposit must be submitted to guarantee that developer will provide the City with one (1) transparent 4 mil thick mylar tracing, one (1) electronic file of approved final map tracings transferable to City's AutoCAD and GIS systems and two (2) blueprints of the recorded map which must be filed with the City Engineer within three (3) months of recordation. If recorded copy is not submitted by the end of the three-month time period, developer will forfeit the \$191 cash deposit.
20. The applicant/property owner must provide written proof that there are no liens against the subdivision for unpaid taxes or special assessments and submit Los Angeles County tax bill, tax payment receipt, and copy of cancelled check before filing a Final Map with the City for approval.
21. Applicant agrees to pay City any development impact fees ("DIFs") that may be applicable to the Project. Applicant takes notice pursuant to Government Code § 66020(d) that City is imposing the DIFs upon the Project in accordance with the Mitigation Fee Act (Government Code § 66000, *et seq.*). Applicant is informed that it may protest DIFs in accordance with Government Code § 66020.
22. A homeowner's association must be established.
23. Covenants Conditions & Restrictions must be prepared and filed with the City to obtain City Attorney and the City Engineer approval. Developer/owner is responsible for securing the CC&R guidelines from the Office of the City Engineer. A copy of the recorded CC&Rs must be submitted before final inspection and clearance of the building permit. The applicant must pay for the City's costs associated with reviewing the CC&Rs including, without limitation, legal costs.
24. All improvement plans, including grading and public improvement plans must be based upon City approved criteria. Benchmark references to be obtained from the Engineering Division.

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25. A water plan must be submitted for review and approval by the City Engineer. This plan must substantiate adequate water service for domestic flow, fire flow and identify backflow prevention. If current fire flow and pressure tests are not available to substantiate adequate pressure and flow to serve the development, the developer is responsible for conducting the appropriate tests and submitting copies of the test results for review and ultimate approval by the City.
26. Water Division requirements are to be determined upon completion and submittal of a water meter sizing sheet by the applicant. This may include up sizing of water meter and water services. All upgrading costs are the responsibility of the property owner.
27. The applicant must provide survey monuments denoting the new property boundaries and lot lines to the satisfaction of the City Engineer. All maps must be prepared from a field survey. Compiled maps are not permitted unless prior approval is granted by the City Engineer. Whenever possible, lot lines must be located to coincide with the top of all man-made slopes. Any deviation from this requirement must be approved by the City Engineer.
28. The applicant must provide a site drainage plan for review and approval by the City Engineer. The property drainage must be designed so that the property drains to the public street or in a manner otherwise acceptable to the City Engineer. Drainage from contiguous properties must not be blocked and must be accommodated to the satisfaction of the City Engineer. A hydrology and hydraulic study of the site may be required for submittal to the City Engineer for review and approval.
29. All storm drainage facilities serving the development must accommodate a 50 year storm. If existing storm drain facilities are inadequate they must be enlarged as necessary. All storm drain facilities must be designed and constructed to Los Angeles County Department of Public Works standards and specifications and also the satisfaction of the City Engineer before approving grading and drainage plans.
30. Any damage done to existing street improvements and utilities during construction must be repaired before the City issues certificates of occupancy. Pre-existing damaged, deteriorated, substandard or off-grade curb, gutter, driveways and sidewalk must be repaired or replaced to the satisfaction of the City Engineer.
31. All public works improvements must comply with the standards and specifications of the City and to the satisfaction of the City Engineer. All public works improvements must be completed and accepted by the City or a public works improvement guarantee and agreement posted before final map approved by the City Council.

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32. All electric, telephone and cable TV utility services must be installed fully underground and to required City standards. Satisfactory provisions for all other utilities and service connections, including water, sewer and gas, shall be made to City and public utility standards. A utility plan must be prepared and submitted showing all existing and proposed utilities. The utilities may be shown on either a separate plan or on the proposed site plan.
33. A sewer connection reconstruction fee will be assessed at the time the City issues a building permit in accordance with MPMC Chapter 14.06.
34. All buildings must have roof gutters and all roof drainage must be conducted to the public street or an approved drainage facility in a manner approved by the City Engineer.
35. The grading and drainage plan must be submitted by the first plan check and must incorporate all pertinent site development comments from the City's geological and geotechnical consultants and must also include the approved geological report submitted by the developer's consultant.
36. Parkways must be irrigated and landscaped per plans submitted for review and approval by the City Engineer. The need for preserving existing street trees and/or providing additional street trees must be reviewed and approved by the City Recreation and Parks Department.

FIRE:

37. All conditions identified by the Fire Department are subject to the review and approval of the Fire Chief for determination of applicability and extent to which any condition may be required.
38. A minimum of three fire hydrants must be provided within 225 feet of the structure. Verification of water supply available must be provided by the water purveyor upon building plan submittal. A reduction in the required fire flow up to 50 percent is allowed by a written request to the Fire Department, per California Fire Code (CFC) Appendix B/C.
39. Use of "grascrete" materials for access roads must receive approval from the Fire Chief by written request, per CFC 503.
40. Knox switches must be provided in the basement garage, per CBC 1011.1.
41. Emergency lighting must be provided in the basement garage, per CBC 1006.3.
42. Single station smoke alarms must be provided in all dwelling units as required by CFC 907.2.6.11.

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- 43. Carbon monoxide alarms must be provided in all dwelling units containing fuel burning appliances, per CBC 420.6.1.
- 44. Minimum size 2A:10BC fire extinguishers must be provided on the exterior of the first level residential area and in the basement garage area. Maximum travel distance to any extinguisher must be 75 feet, per CFC 906.
- 45. Fire sprinkler system and fire alarm system must be shown as deferred submittals.

POLICE:

- 46. Adequate exterior lighting must be provided so that the units are visible from the street during the hours of darkness.
- 47. The shrubbery on the property must be installed and maintained in such condition to permit good visibility of the units from the streets. Any shrubbery surrounding the complex and in the courtyard areas must be planted and maintained where the height of the greenery would not easily conceal persons.
- 48. The driveway leading into the complex must be constructed and maintained in such a condition that traffic is easily visible to those entering or leaving the location.
- 49. Any outside ladders leading to the roof top must be secured to prevent unauthorized access to the roof.
- 50. Address number must be illuminated during hours of darkness and positioned as to be readily readable from the street. Numbers must be at least 12 inches in height.
- 51. Each distinct unit within the building must have its address displayed on or directly above both the front and rear doors.
- 52. All common open areas must be well lit during the hours of darkness.
- 53. Signs must be posted at the guest parking areas and in the driveway leading into the complex.
- 54. A thoroughfare for residents, guests, and any necessary emergency vehicles and/or personnel must be maintained at all times. The Monterey Park Police Department Traffic Bureau must be contacted for sign verbiage and posting locations. The Traffic Bureau Sergeant can be reached at (626) 307-1481.

By signing this document, 221 New Ave LLC, certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

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221 New Ave LLC, Applicant